

Application No. 10/628,373
Amendment dated October 19, 2005
After Final Office Action of August 19, 2005

Docket No.: 20435-00141-US

REMARKS

Status of Claims:

Claims 1-44, 46-48, and 50-58 are pending. Each pending claim defines an invention that is novel and unobvious over the cited art. Favorable consideration of this case is respectfully requested.

Telephonic Interview:

The Examiner is thanked for allowing the Applicants counsel a telephonic interview conducted September 26, 2005. With respect to the Claim rejections under 35 U.S.C. § 103(a), agreement was reached that recitation of "the total absence of exogenous photoinitiator" would suffice to distinguish over the cited art.

Rejections Under 35 U.S.C. § 112, 2nd Paragraph:

Claims 1-58 were rejected under 35 U.S.C. § 112, 2nd Paragraph, as being indefinite in view of various informal recitations.

Claims 1, 51, and 57-58 are hereby amended to present recitations suggested by the Examiner.

Claims 24-30 are hereby amended to recite "comprising" to clarify the composition of the respective Claim is limited to the recited compounds.

The amended language does not introduce new matter.

Rejections Under 35 U.S.C. § 103(a):

Claims 1-58 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Ostlie (5,876,805) in view of Moy (5,945,489).

To establish *prima facie* obviousness of a claimed invention, all the claim recitations must be taught or suggested by the prior art. *In re Royka*.¹ All words in a claim must be

¹ *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974).

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considered in judging the patentability of that claim against the prior art. *In re Wilson*.² (MPEP § 2143.03). When evaluating the scope of a claim, every recitation in the claim must be considered. See e.g. *In re Ochiai*.³ (MPEP § 2144.08). The evidentiary record fails to teach each recitation of the present invention. Specifically, the references taken as a whole or severally fail to teach the total absence of exogenous photoinitiator.

Conclusion:


In view of the above, consideration and allowance are respectfully solicited.

Accordingly, it is respectfully requested that the foregoing amendments be entered, that the application as so amended receive an examination on the merits, and that the claims as now presented receive an early allowance.

In the event the Examiner believes an interview might serve to advance the prosecution of this application in any way, the undersigned attorney is available at the telephone number noted below.

The Commissioner is hereby authorized to charge any fees or credit any overpayment associated with this communication, including any extension fees or fees for the net addition of claims, to Deposit Account No. 22-0185.

Respectfully submitted,



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Date: OCTOBER 19, 2005

² *In re Wilson*, 424 F.2d 1382, 165 USPQ 496(CCPA 1970).

³ *In re Ochiai*, 71 F.3d 1565, 37 USPQ2d 1127 (Fed. Cir. 1995).